

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

150 E. 42nd Street, New York, New York 10017-5639

Tel: (212) 490-3000 Fax: (212) 490-3038

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Affiliates: Berlin • Cologne • Frankfurt • Munich • Paris*

www.wemed.com

April 25, 2007

VIA FACSIMILE

Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

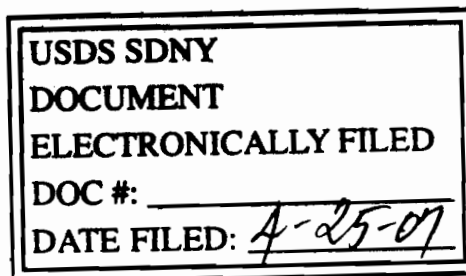
Re: 105 Street Associates, LLC v. Greenwich Insurance Company
05-CV-9938 (VM) (DCF)

Dear Judge Marrero:

My firm represents the defendant, Greenwich Insurance Company ("Greenwich") in the above-referenced matter.

On April 13, 2007, Greenwich's motion for summary judgment was due. On that day, my associate, Tammy A. Wilson, Esq., called Your Honor's chambers to request where the original motion papers should be filed. At that time, she spoke with Maria Ramos who informed her that she should file the original with the Clerk's Office. Ms. Wilson asked whether it also needed to be filed via ECF, but was told that it was unnecessary. In addition, Ms. Wilson looked at Your Honor's rules which stated that motions must be "filed with the Clerk's Office or via ECF."

Later that day, and after serving the plaintiff with Greenwich's motion, a paralegal from my firm delivered two courtesy copies to Your Honor's chambers. Thereafter, she attempted to file the original with the Clerk's Office. However, the clerk denied the filing of the motion and stated that it needed to be filed via ECF and called your chambers to discuss the situation further. At that time, the Clerk's Office instructed our paralegal to go back to your chambers to file the motion. Accordingly, your chambers accepted the original motion, in addition to the two courtesy copies, and initialed and stamped our Greenwich's copy with "received on April 13, 2007" (see attached receipt of filing). Afterwards, Ms. Wilson spoke with either Maria Ramos or Maria Kirby and confirmed that the motion had been accepted and filed.



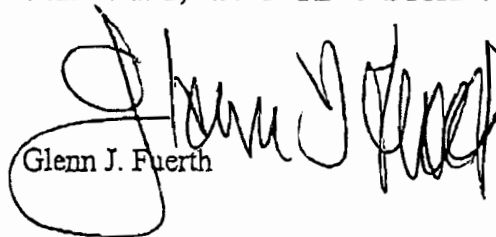
Page 2

Since April 13, 2007, Ms. Wilson has been checking the CM-ECF system to make sure that there were no errors with the submission. On April 24, 2007, Ms. Wilson noticed that the motion had been rejected but it was after 5 p.m. and we were unable to contact the court. The following morning, Ms. Wilson called your chambers and spoke with James Regan. At that time, Mr. Regan informed her that "it should not be a problem" but she should speak to "dockets" to clear up any issues. Ms. Wilson then spoke to Richard Wilson, operations manager for the Southern District, who informed her that she should immediately file the motion via ECF and also write the instant letter to Your Honor respectfully requesting that the motion be deemed submitted *nunc pro tunc* on April 13, 2007.

Accordingly, the motion has been filed via ECF (see attached confirmation of filing) and we respectfully request that Your Honor deem Greenwich's motion for summary judgment submitted *nunc pro tunc* on April 13, 2007.


Respectfully submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP


Glenn J. Fuerth

GJF:

Cc: Donald F. Schneider, Esq. (via facsimile)

Request GRANTED. The Clerk of Court is directed to accept for filing defendant's motion for summary judgment <i>nunc pro tunc</i> to April 13, 2007.	
SO ORDERED:	
4-25-07	
DATE	VICTOR MARRERO, U.S.D.J.